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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,990	01/30/2001	Anna Pia Slothower	PALM-3559.US.P	4362
7590 12/19/2007 WAGNER, MURABITO & HAO LLP Third Floor Two North Market Street San Jose, CA 95113			EXAMINER NGUYEN, JENNIFER T	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 12/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/774,990	<b>Applicant(s)</b> SLOTHOWER ET AL.	
	<b>Examiner</b> Jennifer T. Nguyen	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/31/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is responsive to amendment filed 10/31/2007.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) Fig. 1 in view of Takahata et al. (U.S. Patent No. 6,556,189) and further in view of Crutchfield (Patent No.: US 5,357,061).

Regarding claims 1, 9, and 16, the AAPA Fig. 1 discloses an integrated enclosure/touch screen assembly comprising:

- a display mechanism (140);
- a digitizer mechanism comprising a protective component (120) and a resistive digitizing element (130); and
- a cover (110) for the touch screen assembly that is disposed over and encloses said touch screen assembly, wherein the resistive digitizing element can be activated by contact made along the external surface of the cover (page 10, line 11 to page 11, line 10 in supported specification).

AAPA Fig. 1 differs from claims 1, 9, and 16 in that it does not specifically disclose the cover is a single piece cover enclosure that encloses the top and fully covers both sides of touch screen assembly, and wherein said single piece enclosure forms a seal to protect said touch panel.

Takahata teaches single piece cover enclosure (43, fig. 10) encloses the top for a touch screen assembly and wherein said single piece enclosure forms a seal to protect said touch panel (col. 10, lines 40-58, col. 11, lines 14-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the single piece cover enclosure as taught by Takahata in the system of the AAPA Fig. 1 in order to provide an outer packet to protect portion of the touch panel from damage.

The combination of AAPA and Takahata differs from claims 1, 9, and 16 in that it does not specifically teach the single piece cover enclosure that fully covers both sides of touch assembly.

Crutchfield teaches a single piece cover enclosure (36) that fully covers both sides of touch assembly (10, fig. 4) (col. 4, lines 56-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the cover enclosure that fully covers both sides of touch assembly as taught by Crutchfield in the system of the combination of AAPA and Takahata in order to provide a waterproof and dust free environment touch device.

Regarding claims 2, 3, and 17, the combination of the AAPA Fig. 1, Takahata, and Crutchfield teaches a single piece cover enclosure is constructed using in mold decoration (col. 8, line 51 to col. 8, line 15 of Takahata).

Regarding claims 4 and 11, the AAPA Fig. 1 further teaches finger pressure on the external surface of said single piece cover enclosure can be used to activate said digitizer mechanism (page 10, line 11 to page 11, line 10 in specification).

Regarding claims 5 and 12, AAPA Fig. 1 teaches wherein stylus pressure on the external surface of said cover enclosure may be used to activate said digitizer mechanism (page 10, line 11 to page 11, line 10 in specification).

Regarding claim 6, the combination of the AAPA , Takahata, and Crutchfield teaches wherein said single piece cover comprises a mylar polycarbonate material (col. 7, lines 43-52).

Regarding claims 7, 14 and 20, the AAPA Fig. 1 further teaches the soft thermoplastic film has sufficient deflection under external pressure to active said digitizer mechanism (page 1, lines 15-20 in specification).

Regarding claims 8 and 15, the combination of AAPA Fig. 1, Takahata, and Crutchfield teaches the single piece cover enclosure is constructed with a flat outer top surface free of any indentation (Figs. 1-10 of Takahata).

Regarding claims 10 and 19, the combination of AAPA Fig. 1, Takahata, and Crutchfield teaches said single piece cover enclosure is a soft thermoplastic outer film that is coupled to said top film of said digitizer mechanism that is coupled to the supporting structure (col. 10, lines 50-58 of Takahata).

Regarding claims 13 and 18, the AAPA Fig. 1 further teaches the digitizing element of said digitizer mechanism is a resistive type digitizing element (page 10, line 11 to page 11, line 10 in specification).

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen  
12/17/07



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